

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1074 be amended to read as follows:

- 1 Page 7, between lines 29 and 30, begin a new paragraph and
- 2 insert:
- 3 "SECTION 3. IC 20-8.1-14 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2000]:
- 6 **Chapter 14. Release of School Records to Courts With**
- 7 **Juvenile or Criminal Jurisdiction**
- 8 **Sec. 1. Upon written request, a school shall provide a child's**
- 9 **school records to a court having juvenile or criminal jurisdiction**
- 10 **over a case involving the child who attends the school if the child:**
- 11 **(1) is alleged to be or has been adjudicated a juvenile**
- 12 **delinquent; or**
- 13 **(2) is charged with or convicted of an offense;**
- 14 **in the court that submits the request.**
- 15 **Sec. 2. A court may request the disclosure of school records**
- 16 **under section 1 of this chapter only in connection with:**
- 17 **(1) a legitimate investigation;**
- 18 **(2) a prosecution;**
- 19 **(3) a juvenile delinquency adjudication;**
- 20 **(4) a treatment program; or**
- 21 **(5) an educational program.**
- 22 **Sec. 3. Except as provided in this chapter, the disclosure of a**
- 23 **child's school records is subject to confidentiality restrictions**
- 24 **imposed by state and federal law.**
- 25 **SECTION 4. IC 20-12-76 IS ADDED TO THE INDIANA CODE**
- 26 **AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
- 27 **JULY 1, 2000]:**

1 **Chapter 76. Release of School Records to Courts With**
2 **Juvenile or Criminal Jurisdiction**

3 **Sec. 1. Upon written request, an institution of higher learning**
4 **or a vocational school shall provide a child's school records to a**
5 **court having juvenile or criminal jurisdiction over a case involving**
6 **the child who attends the school if the child:**

7 (1) **is alleged to be or has been adjudicated a juvenile**
8 **delinquent; or**

9 (2) **is charged with or convicted of an offense;**
10 **in the court that submits the request.**

11 **Sec. 2. A court may request the disclosure of school records**
12 **under section 1 of this chapter only in connection with:**

13 (1) **a legitimate investigation;**

14 (2) **a prosecution;**

15 (3) **a juvenile delinquency adjudication;**

16 (4) **a treatment program; or**

17 (5) **an educational program.**

18 **Sec. 3. Except as provided in this chapter, the disclosure of a**
19 **child's school records is subject to confidentiality restrictions**
20 **imposed by state and federal law.**

21 SECTION 5. IC 31-37-19-28 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2000]: **Sec. 28. (a) Whenever a court**
24 **adjudicates a child to be a delinquent child, the court shall notify**
25 **the principal of any public or nonpublic elementary or secondary**
26 **school that the child attends of the adjudication and disposition of**
27 **the case.**

28 (b) **Upon written request of an authorized representative of the**
29 **school, the court, if the court considers it appropriate, may**
30 **authorize the attorney for the county office of family and children**
31 **to give the principal of the school a statement of the facts in the**
32 **case.**

33 (c) **A principal who receives information under subsection (a)**
34 **or (b):**

35 (1) **shall release the information to any employees of the**
36 **school having responsibility for classroom instruction with**
37 **the child; and**

38 (2) **may release the information to any school administrative,**
39 **transportation, or counseling personnel and any teacher or**
40 **school employee with whom the student may come in**
41 **contact.**

42 **However, the information must otherwise remain confidential and**
43 **may not become part of the child's school records."**

44 Page 10, after line 15 , begin a new paragraph and insert:

45 "SECTION 7. IC 35-50-3.5 IS ADDED TO THE INDIANA
46 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
47 [EFFECTIVE JULY 1, 2000]:

48 **Chapter 3.5. Release of Certain Criminal Records of a Child**
49 **to a School the Child Attends**

50 **Sec. 1. Whenever a court convicts a child of an offense, the**
51 **court shall notify the principal of any public or nonpublic school**
52 **that the child attends of the child's conviction and sentence for the**

1 offense.

2 **Sec. 2. Upon written request of an authorized representative**
3 **of the school, the court, if the court considers it appropriate, may**
4 **authorize the prosecuting attorney to give the principal of the**
5 **school a statement of the facts of the case.**

6 **Sec. 3. A principal who receives information under section 1**
7 **or 2 of this chapter:**

8 (1) shall release the information to employees of the school
9 having responsibility for classroom instruction with the
10 child; and

11 (2) may release the information to any school administrative,
12 transportation, or counseling personnel and any teacher or
13 school employee with whom the student may come in
14 contact.

15 **Sec. 4. Information released under this chapter may not**
16 **become part of the child's school records."**

17 Renumber all SECTIONS consecutively.

(Reference is to HB 1074 as printed January 20, 2000.)

Representative BOSMA